IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 22169 of 2007(S)

PETITIONER:

P.L. JOHNSON, S/O. LAZAR,
AGED 53 YEARS, PUTHUKKARA HOUSE, VELUR P.O.,
PIN-680 601, THRISSUR DISTRICT.

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS:
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1. DISTRICT COLLECTOR, THRISSUR.

2. TAHSILDAR, TALAPPILLY TALUK, WADAKKANCHERRY P.O., THRISSUR.

3. ASSISTANT EXECUTIVE ENGINEER, P.W.D. ROAD SUB DIVISION,
WADAKKANCHERRY P.O., THALAPPILLY TALUK, THRISSUR DISTRICT.

4. VILLAGE OFFICER, VELUR VILLAGE, VELUR P.O., THRISSUR-680 601.

5. MOHANAN, MULAKKAL HOUSE, NEAR VELUR POST OFFICE,
VELUR P.O., THRISSUR DISTRICT-680 601.

6. JOSE, S/O. JACOB, VAZHAPPILLY HOUSE, VELUR P.O., THRISSUR,
PIN-680 601.

7. FRANCIS, S/O. DEVASSY,
CHEERAMBAN HOUSE, VELUR P.O., THRISSUR-680 601.

8. ANNIE, W/O. JOSE, CHERUVATHUR HOUSE, NEAR CHURCH, VELUR P.O.,
THRISSUR-680 601.

9. FRANCIS, S/O. INASU,
ARANGASSERY HOUSE, VELUR P.O., THRISSUR-680 601.

BY SR. GOVERNMENT PLEADER SMT. R. MEERA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.P.(C) No. 22169 OF 2007

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Dated this the 25th July, 2007

J U D G M E N T

H.L. Dattu, C.J.:

The petitioner claims that he is a public spirited citizen. In this petition, filed under Article 226 of the Constitution of India, the petitioner seeks the following reliefs:

> *"i) Issue a writ of mandamus directing the respondents 1 to 4 to evict all encroachers from the side of P.W.D. Road lying through Velur Village and Velur Panchayath territorial limit on the basis of Exhibit P1 representation;*
>
> *ii) Issue a writ of mandamus directing the 1st respondent to consider and pass orders on Exhibits P1 and P5 representations forthwith and take action on the same;*
>
> *iii) Issue a writ of mandamus directing the respondents 1 to 4 to remove all encroachments from the P.W.D. Road starting from Velur Panchayath boundary to Choondal and Kaiparamba Panchayath boundaries including Velur-Vellattanjoor Road, Velur-Kilaloor-Mundur Road, Velur-Chunkam Irrigation Canal to Velur Co-operative Society Roads under Kerala Land Conservancy Act & Rules.*
>
> *iv) Issue such other reliefs this Honourable Court may deem fit and proper in the facts and circumstances of the case."*

2. In our opinion, the assertions and allegations made in this Writ Petition are not in the nature of a Public Interested Litigation. Further, the petitioner cannot claim that he has a locus standi to approach this Court for

the reliefs sought for in this Writ Petition. Therefore, the Writ Petition requires to be rejected and it is rejected.

3. However, liberty is reserved to the petitioner, if he so desires, to go before a civil court for appropriate reliefs.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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